

**Title 410 - NEBRASKA DEPARTMENT OF ROADS - RIGHT OF WAY DIVISION**

**Chapter 5 - Relocation Assistance (Continued)**

**005 MOBILE HOMES**

**005.01 APPLICABILITY.** This section describes the requirements governing the provision of relocation payments to a person displaced from a mobile home and/or mobile home site who meets the basic eligibility requirements of this rule. Except as modified by this section, such a displaced person is entitled to a moving expense payment in accordance with Section 003 and a replacement housing payment in accordance with Section 004 to the same extent and subject to the same requirements as persons displaced from conventional dwellings.

**005.02 MOVING AND RELATED EXPENSES - MOBILE HOMES.**

**005.02A** A homeowner-occupant displaced from a mobile home or mobile homesite is entitled to a payment for the cost of moving his or her mobile home on an actual cost basis in accordance with Section 003.01. A non-occupant owner of a rented mobile home is eligible for actual cost reimbursement under Section 003.03. However, if the mobile home is not acquired, but the homeowner-occupant obtains a replacement housing payment under one of the circumstances described in Section 005.03A3, the owner is not eligible for payment for moving the mobile home, but may be eligible for a payment for moving personal property from the mobile home.

**005.02B** The following rules apply to payments for actual moving expenses under Section 003.01;

**005.02B1** A displaced mobile homeowner, who moves the mobile home to a replacement site, is eligible for the reasonable cost of disassembling, moving, and reassembling any attached appurtenances, such as porches, decks, skirting, and awnings, which were not acquired, anchoring of the unit, and utility "hook-up" charges.

**005.02B2** If a mobile home requires repairs and/or modifications so that it can be moved and/or made decent, safe, and sanitary, and the Agency determines that it would be economically feasible to incur the additional expense, the reasonable cost of such repairs and/or modifications is reimbursable.

**005.02B3** A nonreturnable mobile home park entrance fee is reimbursable to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or the Agency determines that payment of the fee is necessary to effect relocation.

**005.03 REPLACEMENT HOUSING PAYMENT FOR 180-DAY MOBILE HOMEOWNER-OCCUPANTS.**

**005.03A** A displaced owner-occupant of a mobile home is entitled to a replacement housing payment, not to exceed \$22,500, under Section 004.01 if:

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005.03A1 The person both owned the displacement mobile home and occupied it on the displacement site for at least 180 days immediately prior to the initiation of negotiations;

005.03A2 The person meets the other basic eligibility requirements in Section 004.01A; and

005.03A3 The Agency acquires the mobile home and/or mobile home site, or the mobile home is not acquired by the Agency but the owner is displaced from the mobile home because the Agency determines that the mobile home:

005.03A3a Is not and cannot economically be made decent, safe, and sanitary; or

005.03A3b Cannot be relocated without substantial damage or unreasonable cost; or

005.03A3c Cannot be relocated because there is no available comparable replacement site; or

005.03A3d Cannot be relocated because it does not meet mobile home park entrance requirements.

005.03A4 If the mobile home is not acquired and the Agency determines that it is not practical to relocate it, the acquisition cost of the displacement dwelling used when computing the price differential amount, described in Section 004.01C, shall include the salvage value or trade-in value of the mobile home, whichever is higher.

005.03B A displaced owner-occupant of a mobile home is also entitled to a rent supplement described in 004.02 for renting a replacement mobile home lot.

005.03C In determining the amount of the combined payment to a displaced owner-occupant of a mobile home so they may purchase a conventional home for replacement housing, the cost of the comparable conventional dwelling will be the sum of the cost of the comparable mobile home (004.01C1a) and the amount of the lot rent supplement (004.02).

005.04 REPLACEMENT HOUSING PAYMENT FOR 90-DAY MOBILE HOME OCCUPANTS. A displaced tenant or owner-occupant of a mobile home is eligible for a replacement housing payment, not to exceed \$5,250, under Section 004.02 if:

005.04A The person actually occupied the displacement mobile home on the displacement site for at least 90 days immediately prior to the initiation of negotiations;

005.04B The person meets the other basic eligibility requirements in Section 004.02A; and

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005.04C The Agency acquires the mobile home and/or mobile home site, or the mobile home is not acquired by the Agency but the owner or tenant is displaced from the mobile home because of one of the circumstances described in Section 005.03A3.

005.05 ADDITIONAL RULES GOVERNING RELOCATION PAYMENTS TO MOBILE HOME OCCUPANTS.

005.05A REPLACEMENT HOUSING PAYMENT BASED ON DWELLING AND SITE. Both the mobile home and mobile home site must be considered when computing a replacement housing payment. For example, a displaced mobile home occupant may have owned the displacement mobile home and rented the site or may have rented the displacement mobile home and owned the site. Also, a person may elect to purchase a replacement mobile home and rent a replacement site, or rent a replacement mobile home and purchase a replacement site. In such cases, the total replacement housing payment shall consist of a payment for a dwelling and a payment for a site, each computed under Section 004. However, the total replacement housing payment under Section 004 shall not exceed the maximum payment (either \$22,500 or \$5,250) permitted under the section that governs the computation for the dwelling. (See also Section 004.03B.)

005.05B COST OF COMPARABLE REPLACEMENT DWELLING.

005.05B1 If a comparable replacement mobile home is not available, the replacement housing payment shall be computed on the basis of the reasonable cost of a conventional comparable replacement dwelling.

005.05B2 If the Agency determines that it would be practical to relocate the mobile home, but the owner-occupant elects not to do so, the Agency may determine that, for purposes of computing the price differential under Section 004.01C, the cost of a comparable replacement dwelling is the sum of:

005.05B2a The value of the mobile home,

005.05B2b The cost of any necessary repairs or modifications, and

005.05B2c The estimated cost of moving the mobile home to a replacement site.

005.05C INITIATION OF NEGOTIATIONS. If the mobile home is not actually acquired, but the occupant is considered displaced under this rule, the "initiation of negotiations" is the initiation of negotiations to acquire the land, or, if the land is not acquired, the written notification that he or she is a displaced person under this rule.

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005.05D PERSON MOVES MOBILE HOME. If the owner is reimbursed for the cost of moving the mobile home under this rule, he or she is not eligible to receive a replacement housing payment to assist in purchasing or renting a replacement mobile home. The person may, however, be eligible for assistance in purchasing or renting a replacement site.

005.05E PARTIAL ACQUISITION MOBILE HOME PARK. The acquisition of a portion of a mobile home park property may leave a remaining part of the property that is not adequate to continue the operation of the park. If the Agency determines that a mobile home located in the remaining part of the property must be moved as direct result of the project, the owner and any tenant shall be considered a displaced person who is entitled to relocation payments and other assistance under this rule.

**ANNOTATION**

**Title 410  
Chapter 5  
Section 005**

**Enabling Legislation  
76-1214 through 76-1242  
Neb. Rev. Stat.**